

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CV-544-D

MILTON SC MAYS,

Plaintiff,

v.

U.S. DEPARTMENT OF HUD, SECTION 8,
and U.S. ATTORNEY GENERAL,

Defendants.

ORDER

On February 24, 2012, Magistrate Judge Daniel issued a Memorandum and Recommendation (“M&R”) [D.E. 7]. In that M&R, Judge Daniel recommended that pro se plaintiff Milton SC Mays’s application for leave to proceed in forma pauperis be allowed, and that plaintiff’s complaint be dismissed for failure to state a claim upon which relief can be granted. No party filed objections to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (alteration in original) (emphasis and quotation omitted). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Id. (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. The court adopts the M&R. Plaintiff’s application for leave to proceed in forma pauperis is GRANTED, and plaintiff’s complaint is DISMISSED for failure to state a claim. The clerk is directed to close the case.

SO ORDERED. This 22 day of May 2012.



JAMES C. DEVER III
Chief United States District Judge